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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,200	07/22/2003	Chuan-Yu Hsu	112.P14114C	1800

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BERKELEY LAW & TECHNOLOGY GROUP, LLP  
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BEAVERTON, OR 97006

EXAMINER
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GRANT II, JEROME

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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10/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/626,200

Applicant(s)

HSU ET AL.

Examiner

Jerome Grant II

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 9, 14, 15, 21, 23, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 8, 16, 22 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

1.

#### Detailed Action

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 7, 9, 14, 15, 21, 23, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsai et al.

With respect to claim 1, Tsai et al. teaches a method of implementing a computer system, the method comprising: performing a primitive scan (with a primary light source 16) based on a set of default image processing settings (1<sup>st</sup> illumination at the first optical angle) to obtain a primitive scanned image; performing a set of image processing routines on the primitive scanned image to obtain image qualities (col. 3, lines 28-30) of the document; a specifying a set of image processing settings for the document based

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at least in part on the obtained image qualities (via host pre-processing auxiliary image data to generate a reference by correction procedure to obtain a higher quality image; performing a second scan (auxiliary scan by illuminating means 16' based at least in part on the specified image processing settings, used by the host pre-processor).

With respect to claims 6, 14 and 26, Tsai teaches wherein the specified image processing settings are specified in accordance with the obtained image qualities of the document (as obtained by the auxiliary scan).

With respect to claims 7 and 15, it is inherent that application processing, configured by the host processor, contains a program for performing the image editing.

With respect to claim 9, Tsai teaches a computer system (host computer known to use a keyboard as an interface), comprising: performing a primitive scan (with a primary light source 16) based on a set of default image processing settings (1<sup>st</sup> illumination at the first optical angle) to obtain a primitive scanned image; performing a set of image processing routines on the primitive scanned image to obtain image qualities (col. 3, lines 28-30) of the document; a specifying a set of image processing settings for the document based at least in part on the obtained image qualities (via host pre-processing auxiliary image data to generate a reference by correction procedure to obtain a higher quality image; performing a second scan (auxiliary scan by illuminating

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means 16' based at least in part on the specified image processing settings, used by the host pre-processor).

With respect to claim 21, it is inherent that the host system (a computer system) is further adapted to execute a program for performing the correcting functions of the scratches as detected by the CCD on the primary and auxiliary scans.

With respect to claim 23, it is inherent by host processor that an application program is used for performing the corrective processing.

With respect to claim 25, Tsai teaches an apparatus, comprising:

A scanner CCD 10 for performing primitive scans as claimed; host process, as circuitry to perform a set of image processing routines; circuitry to obtain a set of image processing settings (host pre-processor auxiliary image data); circuitry to execute the scanner (via CCD) as claimed, to scan the document on the specified image processing settings (see the auxiliary scan with illumination source 16').

2.

#### Claims Objected to As Containing Allowable Matter

Claims 8, 16, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3.

#### Claims Allowed

Claims 17-20 are allowed.

There is no suggestion that the method could be implemented on a computer readable medium.

4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles, can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

